REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the amendments and the remarks below.

Claims 1, 6, and 32-36 are pending in this application. Claim 16 has been cancelled. New claims 32-36 have been added. Support for these claim additions may be found, for example, on page 4, lines 20-28 and page 6, lines 26-30. Claim 1 has been amended. These claim amendments are made to clarify the subject matter therein. Therefore, these amendments are submitted in order to place the claims in condition for allowance, and do not disclaim any subject matter to which the Applicants are entitled.

Rejection Under 35 U.S.C. § 102

The Examiner has maintained the rejection of claims 1, 6, and 16 under 35 U.S.C. § 102(b) as being anticipated by Bolin (U.S. Patent No. 5,234,907) (Paper No. 20031003, pages 2-3). Applicants respectfully traverse this rejection.

Claim 16 has been cancelled thereby obviating this claim rejection.

Claim 1 has been amended such that the claim specifically recites the polypeptide consisting of SEQ ID NO: 72.

Bolin does not teach or disclose the polypeptide as claimed in the present invention. As discussed in the previous response, Bolin does not teach or disclose a polypeptide in which the amino acid at position 24 has been mutated to glutamine (Gln or Q), the amino acid at position 28 has been mutated to asparagine (Asn or N), the amino acid at position 29 has been mutated to lysine (Lys or K), the amino acid at position 30 has been mutated to arginine (Arg or R), and the amino acid at position 31 has been mutated to tyrosine (Tyr or Y).

Since Bolin, does not teach each and every limitation of the claimed invention, the claimed invention is not anticipated by Bolin. Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

The Examiner has also maintained the rejection of claims 1, 6, and 16 under 35 U.S.C. § 102(b) as being anticipated by Sawai, et al. (U.S. Patent No. 5,376,637) (Paper No. 12, page 4). Applicants respectfully traverse this rejection.

Claim 16 has been cancelled thereby obviating this claim rejection.

Claim 1 has been amended such that the claim specifically recites the polypeptide consisting of SEQ ID NO: 72.

As discussed in the previous response, Sawai, et al., disclose analogues in which the amino acid at position 17 of the native VIP (28 amino acids) has been mutated. However, Sawai, et al., do not teach or disclose the polypeptide of SEQ ID NO: 72 (31 amino acids).

Since Sawai, et al., does not teach each and every limitation of the claimed invention, the claimed invention is not anticipated by Sawai, et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Moran is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Date: January 14, 2004

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New Claims (Attorney Docket No. MSB 7272P2)

32. (New) A method of treating a metabolic disorder in a mammal comprising administering to the mammal a therapeutically effective amount of the polypeptide of claim 1.

33. (New) The method of claim 32, wherein said metabolic disorder is selected from the group consisting of diabetes and impaired glucose tolerance.

34. (New) The method of claim 33, wherein said diabetes is type 2 diabetes.

35. (New) A method of stimulating insulin release in a glucose-dependent manner in a mammal comprising administering to the mammal a therapeutically effective amount of the polypeptide of claim 1.

36. (New) A method of treating respiratory disease in a mammal comprising administering to the mammal a therapeutically effective amount of the polypeptide of claim 1.

Amendments to the Claims (Attorney Docket No. MSB 7272P2)

1. (Currently amended) A polypeptide consisting of the amino acid sequence of SEQ ID NO: 72. ~~selected from the group consisting of SEQ ID NOs:11 through 14, SEQ ID NO:18, SEQ ID NOs: 21 through 26, SEQ ID NOs: 32 through 36, SEQ ID NOs: 40 through 53, SEQ ID NOs: 57 through 61, SEQ ID NOs: 63 through 99, SEQ ID NOs: 102 through 119, SEQ ID NOs: 121 through 137, SEQ ID NOs: 139 through 177, SEQ ID NOs: 179, 180, SEQ ID NOs: 183 through 202, SEQ ID NOs: 322 through 341 and functionally equivalent fragments, derivatives and variants thereof~~.

2. (Cancelled).

3. (Cancelled).

4. (Cancelled).

5. (Cancelled).

6. (Previously presented) A pharmaceutical composition comprising a polypeptide of claim 1 in combination with a pharmaceutically acceptable carrier.

7. (Cancelled).

8. (Cancelled).

9. (Cancelled).

10. (Cancelled).

11. (Cancelled).

12. (Cancelled).

13. (Cancelled).

14. (Cancelled).

15. (Cancelled).

16. (Cancelled).

17. (Cancelled).

18. (Cancelled).

19. (Cancelled).

20. (Cancelled).

21. (Cancelled).

22. (Cancelled).

23. (Cancelled).

24. (Cancelled).

25. (Cancelled).

26. (Cancelled).

27. (Cancelled).

28. (Cancelled).

29. (Cancelled).

30. (Cancelled).

31. (Cancelled).